

REMARKS

This paper includes a ***Suggested Restriction Requirement*** and a Response to the October 10, 2007 Restriction Requirement.

Claims 16-18, 20-29 and 35-44 are pending in the present application. Claims 1-15, 19 and 30-34 have been canceled without prejudice or disclaimer to filing the canceled subject matter in a Divisional Application(s).

New claims 35-40 find support in the present specification. New claim 35 finds support in claims 1, 4, 14 and 22. New claim 36 finds support in the last full paragraph of page 8 of the specification. New claims 37-40 find support in claims 4, 5, 7 and 8, respectively.

New claims 41-44 find support in the present specification. New claim 41 finds support in claims 1, 10 and 22. New claims 42-44 find support in claims 5, 7 and 8, respectively.

No new matter has been added by way of the above-amendment.

Applicants note that the Examiner has given a condensed version of a Restriction Requirement in the October 10, 2007 communication. Applicants use the term "condensed", since the Examiner has only included the claims from the elected group and has not included the claims from the nonelected groups as set forth in the December 29, 2006 Restriction Requirement.

It is Applicants' understanding that all of the claims have been separated as follows:

**Group I**, claims 1-10 and 15, drawn to a first alkaline battery, classified in Class 429, subclass 206;

**Group II**, claims 11-14, drawn to a first method of making an alkaline battery, classified in Class 29, subclass 623.5;

**Group III - A**, claims 16-18, 20, 21, 25-29, drawn to an alkaline battery/method, classified in Class 429, subclass 206;

**Group III - B**, claims 22-24, drawn to an alkaline battery/method, classified in Class 429, subclass 229; and

**Group IV**, claims 30-34, drawn to a third method of making an alkaline battery, classified in Class 29, subclass 623.1.

As the Examiner will note above, Applicants have added new claims 35-44. Applicants respectfully submit that the new claims 35-44 contain subject matter which is patentably distinct from the subject matter of Groups I-IV, as shown above. As such, Applicants request that the Examiner adopts the following *Suggested Restriction Requirement*.

**Suggested Restriction Requirement**

Applicants respectfully request that all of the claims<sup>1</sup> are separated as follows:

**Group I**, claims 1-10 and 15, drawn to an alkaline battery, classified in Class 429, subclass 206;

**Group II**, claims 11-14, drawn to a method of making an alkaline battery, classified in Class 29, subclass 623.5;

**Group III - A**, claims 16-18, 20, 21, 25-29, drawn to an alkaline battery/method, classified in Class 429, subclass 206;

**Group III - B**, claims 22-24, drawn to an alkaline battery/method, classified in Class 429, subclass 229;

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<sup>1</sup> For completeness, Applicants have included the claims canceled herein in the *Suggested Restriction Requirement*.

**Group IV**, claims 30-34, drawn to a method of making an alkaline battery, classified in Class 29, subclass 623.1.

**Group V**, claims 35-40, drawn to an alkaline battery; and

**Group VI**, claims 41-44, drawn to an alkaline battery:

**For the purpose of examination of the present application, Applicants elect, without traverse, Group III-B, Claims 22-24.**

Applicants respectfully request that the Examiner makes it clear on the record that the Examiner has adopted Applicants' *Suggested Restriction Requirement* and that the *Suggested Restriction Requirement* has been made FINAL.

#### **Information Disclosure Statement**

The Examiner is respectfully requested to consider the reference(s) cited in the May 14, 2007 IDS and return a signed and initialed copy of the PTO/SB/08 form to Applicants with the next communication.

#### **Drawings**

The Examiner is respectfully requested to indicate whether the drawings are acceptable in the next communication to clients.

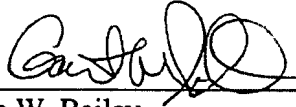
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, Ph.D., Esq., Registration No 43,575 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

- ☐ Attached is a Petition for Extension of Time.
- ☐ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: November 9, 2007

Respectfully submitted,

By  #43575  
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